

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

HOLLY ANN ELKINS,
Defendant.

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CRIMINAL ACTION NO:
3:23-CR-247-B

ORDER

Before the Court is the Government's Unopposed Motion to Designate Certain Trial Exhibits as Sensitive. Doc. 97. After consideration and review of the exhibits identified in the motion, the Motion is granted in part and denied in part.

As exhibits admitted during the trial in this case were not "filed" with the clerk, the Court has to determine whether the exhibits identified in the government's motion are *sensitive in nature*, meaning that not only should they be exempted from access to public inspection or copying, they should also be maintained outside of the CM/ECF system. In reviewing the exhibits, the Court finds that exhibits depicting graphic crime scene and autopsy photos of Ms. Burkett to be *sensitive in nature*. Accordingly, Government exhibits 46, 47, 48, 49, 50, 51, 55, 56, 57, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, and 74 are exempt from public inspection and/or copying and will be maintained outside of the CM/ECF system.

Another category of exhibits contains unredacted information, photos, and/or videos of a minor child, W.B. As such, the Court does not find that those exhibits to be sensitive. However, the Court does find that, pursuant to Fed. R. Crim. P. 49.1(a), the exhibits should be sealed from public inspection and/or copying. Accordingly, Government exhibits 79, 80, 88, 89, 100, 101, 102,

218, 392, and 400, as well as Defendant's exhibits 41, 42, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 93, 94, 127, 138, 163, 164, 165, 166, 278, 306, 315, 323, and 355 are sealed.

Further, the Court finds that the exhibits containing unredacted financial records, which include social security numbers, taxpayer-identification numbers, dates of birth, and/or banking account numbers, and unredacted contact information of witnesses shall also be sealed pursuant to Fed. R. Crim. P. 49.1(a). Accordingly, Government exhibits 332, 376, 377, 379, 380, 391, and 395 and Defendant's exhibits 222, 223, 291, 296, 298, 299, and 357 are sealed.

Should an appeal be filed in this case, the parties are instructed to consult this District's Exhibit Guide (<http://www.txnd.uscourts.gov/exhibit-guide>) for the proper procedure to submit sealed and *sensitive* exhibits to the Fifth Circuit Court of Appeals.

SO ORDERED.

SIGNED: August 15, 2024.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE